

b. Remarks

Claims 1-23 stand rejected. Claims 1- 23, as amended, are pending in the application. Claims 1, 4, 5, 21, and 22 have been amended.

1. Rejection under §112, first paragraph

Amended Claim 22 does not include the “rear line tab” limitation. Claim 23 depends on independent Claim 22. No new matter has been introduced by this amendment. It is believed that the specification as amended describes the subject matter in such a way as to enable one skilled in the art... to make and/or use the invention.

2. Rejection under §112, second paragraph

Claim 4 has been amended to substitute the phrase ---between the stop and a rear end of the towing vehicle -- for the phrase “behind the trailer hitch ball”. It is believed that Claim 4 particularly points out and distinctly claims the subject matter. No new matter has been introduced by this amendment.

3. Rejection under §102(b)

Claim 21 stands rejected under 35 USC §102(b) as being anticipated by Karr, Jr. In the interest of gaining an auspicious allowance, Claim 21 has been amended to include the following limitation: “wherein the stop is not a bumper of the towing vehicle and the system does not comprise any pole extending up in a vertical direction from the trailer hitch”. Karr, Jr.’s invention includes a first pole 1, one end of which fits over the hitch ball on the towing vehicle through the use of an elastomeric band 82 (see col. 1, lines 36-38, col. 5 re FIG. 4, and FIG. 4). (The hitch ball is not shown in FIG. 1 of Karr, Jr.). One supposes that this first pole must be removed towards the end of this process in order to

lower the trailer socket onto the hitch ball per col. 4, lines 6-10. It can be seen in Applicant's figures and specification that Applicant's invention does not include any such pole extending up from the hitch so that it can be seen by the user and visually aligned with a second pole on the trailer (per Karr, Jr.).

Also, Applicant's stop is mountable on the ball mount of the trailer hitch, per amended Claim 21, and is not the equivalent of a bumper (as stated in #6, page 3, of the Office action). Applicant also notes that his stop works by feel (slight bump when the stop is contacted by the trailer socket) and not by sight (e.g., Karr, Jr.'s visual alignment of two poles on the two vehicles), and is also useful for guiding the trailer socket onto the hitch ball, as can be seen from his FIGS. 1 and 9.

According to MPEP §706.02(a), "In other words, for anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention, either expressly or impliedly." Since Karr, Jr. does not teach an element (stop) that is present in Applicant's invention, and does describe an essential element (first pole 1 on towing vehicle) that is absent from Applicant's invention per amended Claim 21, it is submitted that the present invention is not anticipated under Section 102(b) by Karr, Jr.

Applicant would also like to submit that the Karr, Jr. description and drawings are unclear as to how vertical alignment, which must be quite accurate (to within approximately 3/16 of an inch) in order to effectively joint the hitch ball and the trailer socket, would be accomplished with the Karr, Jr. invention. Applicant submits that the Karr operator would have to exit the towing vehicle in order to determine how much backward or forward movement would be required to properly align the ball and socket.

4. Rejection under §102(e)

Claims 1, 4, 7, 8, 19, 20, and 22 stand rejected under 35 USC §102(e) as being anticipated by Kinnard. Applicant respectfully disagrees; however, his 37 CFR 1.131 declaration swearing behind the filing date of Kinnard's published patent application is attached (see discussion below).

Kinnard does not teach an element present in Applicant's invention (see Claim 1b): a stop on the trailer hitch. The phrase "on a ball mount of the trailer hitch of the towing vehicle" in amended Claim 1b clarifies that the stop is attached to the trailer hitch on the towing vehicle (per Applicant's specification). A horizontal truck bumper is not the equivalent of Applicant's stop. According to MPEP §706.02(a), "In other words, for anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention, either expressly or impliedly." Since Applicant's invention has not been patented or described by Kinnard, it is respectfully submitted that Applicant's invention is not anticipated by Kinnard under Section 102. No other rejections of Claims 1, 4, 7, 8, 19, 20, or 22 have been made in the Office action. Allowance of Claims 1, 20, and 22, and Claims 4, 7, 8, and 19, which depend on Claim 1, is therefore requested.

Kinnard instead teaches a flexible position member 116 slidably engaged by the body 114 on the trailer (see FIG. 4). According to paragraph 0032, the first end 126 of the position member 116 abuts a license plate 130 (or tailgate or rear bumper) of the truck 102 (see FIG. 1A). In contrast with Kinnard's invention, Applicant's system enables hitching even when the towing vehicle is approaching the trailer at an odd angle (see Applicant's FIG. 3). As stated in Applicant's specification on page 10, last paragraph, the driver need not repeatedly exit the vehicle to determine progress, even when approaching the trailer at an angle. Applicant's invention works visually (alignment with the trailer pole) and by feel (flange on hitch socket contacts stop), so it is effective even where visibility conditions are poor. The stop signals contact and prevents the two vehicles from contacting one another. Applicant's FIG. 2A shows the two vehicles aligned and ready for hitching.

Applicant submits the following, the attached two drawing pages ("Attachment I"), and the enclosed 2004 CD showing his system in operation for informational purposes. As seen in the attached drawing, using the pole mounted over the trailer socket [per Claim 1(a)] as an aiming point permits an angled approach of the tow vehicle. Vertical alignment is accomplished by feel. As the towing vehicle backs slowly toward the trailer, resistance is felt by the driver when the flange of the hitch socket contacts the face of the vertical stop

on the ball mount. Applicant submits that his tow vehicle is aligned with the trailer socket rather than the trailer body because the rest of the trailer must follow wherever the socket leads it. Perfect vision and excellent lighting conditions are not required because when the driver feels resistance, he or she knows the hitch ball is directly aligned under the hitch socket and is ready for coupling. In contrast with Kinnard, Applicant submits that vertical and lateral alignment can take place simultaneously on a single attempt without exiting the towing vehicle.

5. Rejections under §103(a)

The Office action states that Claims 18, 21, and 23 are rejected under 35 USC §103(a) as being unpatentable over Kinnard in view of Anderson.

Also, Claim 3 stands rejected under 35 USC §103(a) as being unpatentable over Kinnard in view of Bohnet.

Claims 2, 11, 12, and 17 stand rejected under 35 USC §103(a) as being unpatentable over Kinnard in view of Bohnet as applied to Claim 3, and further in view of DeShazer.

Claims 5, 6, and 13 stand rejected under 35 USC §103(a) as being unpatentable over Kinnard, Bohnet, and DeShazer as applied to Claims 2, 11, 12, and 17, and further in view of Ricles.

Claim 10 stands rejected under 35 USC §103(a) as being unpatentable over Kinnard, Bohnet, and DeShazer as applied to Claims 2, 11, 12, and 17, and further in view of Tusche.

Claim 9 stands rejected under 35 USC §103(a) as being unpatentable over Kinnard, Bohnet, DeShazer, and Ricles as applied to Claims 5, 6, and 13, and further in view of Law.

Claims 14, 15, and 16 stand rejected under 35 USC §103(a) as being unpatentable over Kinnard, Bohnet, and DeShazer as applied to Claims 2, 11, 12, and 17, and further in view of Potts.

The primary reference in these rejections is the Kinnard published patent application. A 37 CFR 1.131 declaration swearing behind the Kinnard application, which published January 29, 2004, is attached. Mr. Smith's three pre-2002 drawing pages are attached to his declaration. Also attached hereto are Mrs. Esther Smith's and Ms. Karen Burch's supportive declarations.

In his 131 declaration, Applicant swears behind the July 11, 2003 filing date of the Kinnard patent application, and the July 11, 2002 filing date of the Kinnard provisional patent application (which may or may not provide support). The Kinnard published patent application does not claim Applicant's invention. The enclosed declarations show completion of Applicant's invention in this country before the date of the printed publication. Therefore, it is submitted that the cited publication should not bar the grant of a patent to Applicant. Withdrawal of the Section 102(e) and 103(a) rejections over Kinnard is requested.

Although Applicant respectfully disagrees with these rejections, Applicant seeks to gain an auspicious allowance and has therefore voluntarily amended the claims. No new matter has been added by these amendments. Applicant would be pleased to supply additional information in support of this application. If the claims are not in condition for allowance, Applicant requests a telephone interview to discuss any additional amendments considered necessary to place the application in condition for allowance. Applicant requests that these amendments be made of record in the case and considered by the United States Patent and Trademark Office Examiner, and that the claims as amended be allowed.

Respectfully submitted,

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